

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : WALTER SCHUBERT  
Application No. : 09/937,191  
Filed : September 21, 2001  
For : UTILIZATION OF AN AMINOPEPTIDASE INHIBITOR  
Examiner :  
Attorney's Docket : HSS-022XX

Group Art Unit:

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, Washington, D.C. 20231 on  
\_\_\_\_\_.

By: \_\_\_\_\_  
Charles L. Gagnebin III  
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Attorney for Applicant

\*\*\*\*\*

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

[X] (1) Pursuant to 37 C.F.R. § 11.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the  
attached Information Disclosure Statement is being filed before

the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

[ ] a statement under 37 CFR § 1.97(e); or

[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

[ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.


If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The references cited herein were found in the International Search Report (copy enclosed) for the corresponding PCT application no. PCT/EP01/00746 filed January 24, 2001, as well as in the German Search Report for the corresponding priority application, DE 100 02 820.9 filed January 24, 2000.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

WALTER SCHUBERT

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CLG/jde/261141  
Enclosures

Date: January 3, 2002

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<b>Form PTO-1449</b> <b>(REV. 07/01)</b>  <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO. HSS-022XX		APPLICATION NO. 09/937,191	
				APPLICANT: Walter Schubert			
				FILING DATE: September 21, 2001		GROUP:	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
		WO 98 44923*	10/15/1998	WIPO			X
		EP 0 167 936 A2*	01/15/1986	EPO			X
		GB 1 540 019**	02/07/1979	Great Britain			X

OTHER DOCUMENTS <i>(including Author, Title, Date, Pertinent Pages, etc.)</i>	
	Effect of ubenimex on the immune system of patients with hematological malignancies, T. Yamazaki et al., <i>Biomed &amp; Pharmacoth.</i> (1991), 45, 105-112.*
	Potent Homophthalimide-Type Inhibitors of B16F10 L5 Mouse Melanoma Cell Invasion, H. Kagechika et al., <i>Biol. Pharm. Bull.</i> (1999), 22(9), 1010-1012.*
	Inhibition of Alanyl Aminopeptidase Induces MAP-Kinase p42 ERK2 in the Human T Cell Line KARPAS-299, U. Lendeckel et al., <i>Biochemical and Biophysical Research Communications</i> , (1998), 252(1), 5-9.*
	Inhibition of tumor invasion and extracellular matrix degradation by ubenimex (bestatin), J. Yoneda et al., <i>Clinical &amp; Experimental Metastasis</i> , (1992), 10(1), 49-59.**
	Aminopeptidase Inhibitor Ubenimex (Bestatin) Inhibits the Growth of Human Choriocarcinoma in Nude Mice through its Direct Cytostatic Activity, K. Ino et al., <i>Anticancer Research</i> , (1995), 15, 2081-2087.**
	Antitumor Activity of Actinonin <i>in Vitro</i> and <i>in Vivo</i> , Y. Xu et al., <i>Clinical Cancer Research</i> , (Jan. 1998), 4, 171-176.**
	Inhibition of Tumor Cell Invasion and Matrix Degradation by Aminopeptidase Inhibitors, H. Fujii et al., <i>Biol. Pharm. Bull.</i> , (1996), 19(1), 6-10.

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	